

Chapter 1

Executive Summary

The NVRA

The National Voter Registration Act of 1993 (NVRA) was designed to increase the number of registered voters in the United States by requiring many government offices to offer people the opportunity to register to vote. The NVRA required each state to offer voter registration services at motor vehicle agency offices and, in addition, to designate as voter registration agencies:

- All offices that provide public assistance;
- All offices that provide state-funded programs primarily engaged in providing services to persons with disabilities; and
- Other state and local agencies.

In California, the following state and local offices are NVRA voter registration agencies:

- Department of Motor Vehicles (DMV);
- County welfare department offices;
- Community-based non-profit organizations under contract with the Department of Public Health to administer the Women, Infants, and Children (WIC) program;
- California Health Benefit Exchange [CoveredCA.com](https://www.coveredca.com);
- Department of Rehabilitation offices offering vocational rehabilitation services;
- Independent Living Centers;
- Department of Developmental Services Regional Centers;
- Offices under contract with the Department of Social Services Office of Deaf Access to provide services to the deaf;
- State and county mental health providers;
- Armed Forces recruitment offices;
- Franchise Tax Board offices offering forms, instructions, and assistance to the public for income tax and the Homeowner and Renter Assistance program; and
- Board of Equalization offices serving the public.

Beyond expanding opportunities to register to vote, the NVRA also protects the integrity of elections by requiring states to maintain accurate and current voter registration rolls. The NVRA specifically prevents states from removing voters from the rolls unless certain conditions are met and requires states to offer “fail safe” voting to registered voters who have moved within their county. California’s provisional voting laws meet NVRA requirements.

The United States Election Assistance Commission (EAC) reports to Congress every two years on the impact of the NVRA. The EAC gathers data on the NVRA from states

by including questions about NVRA voter registrations and provisional voting in its biennial Election Day Survey of all 50 states. In California, the Secretary of State responds to the EAC survey by gathering and compiling data from each of the 58 county elections offices.

Voter Registration at the Department of Motor Vehicles

Chapters Two and Three cover NVRA voter registration services at the Department of Motor Vehicles (DMV). Under the NVRA, state motor vehicle departments must offer voter registration with each new, renewal, or change of address application for a state driver license or identification card (DL/ID). Under the NVRA, DMV change of address requests serve as notice of a change of address for voter registration purposes, unless the voter chooses otherwise.

In California, every person who visits a DMV office to apply for or renew a DL/ID or to change an address receives a California Voter Registration Card (VRC). Every person who receives a DL/ID renewal form by mail also receives a VRC. The VRC can be used to register to vote or to re-register after a change in name, address, or party preference. When voters update their address with a DMV office in California, the new address is sent electronically to the Secretary of State's statewide voter registration database, which then shares the information with county elections officials who update voter registration records. When voters move to a new county, the DMV instructs them to complete a new VRC. The DMV accepts completed VRCs and forwards them to the Secretary of State or the county where the voter lives.

Voter Registration at Public Assistance Agencies and Other Voter Registration Agencies in California

Chapter Four covers voter registration services at public assistance agencies and other agencies designated by the Governor under the NVRA. The NVRA requires each state to designate as "voter registration agencies" all agencies and offices that provide public assistance or are funded by the state primarily to serve people with disabilities. In California, the Governor designated all local public assistance and disability service agencies and offices, as well as local offices of the Franchise Tax Board and Board of Equalization as NVRA voter registration agencies.

Designated agencies must provide both an NVRA voter preference form, which asks "Would you like to register to vote?" and a VRC to each person who applies for new services or benefits, requests renewal or recertification, or requests a change of address. The NVRA requires designated agencies to ask the applicant to complete the preference form and to keep all completed preference forms on file for two years. If an applicant asks for assistance, the NVRA requires designated agencies to assist with filling out the VRC in the same manner it assists with filling out the agency's own forms. Finally, designated agencies must accept and forward completed VRCs to elections officials.

Registered Voter List Maintenance Requirements

Chapter Five covers the NVRA requirements on how states maintain voter registration rolls. California state election laws meet the NVRA list maintenance requirements. Both the NVRA and state law provide for:

- Confirmation of voter registration sent to each newly registered voter;
- Removal of ineligible and deceased voters from the rolls; and
- Removal of a voter's prior registration if:
 1. The voter confirms a change of residence outside the county; or
 2. The elections official receives notice from the post office that the voter appears to have moved, and the voter both fails to respond to an address verification postcard and fails to vote in two subsequent federal general elections.

In some cases, California law provides more opportunities to voters while remaining consistent with the NVRA. For example, the NVRA requires states to accept voter registrations up to 30 days prior to the election. Because California has a 15-day voter registration deadline, elections officials accept voter registrations until 15 days prior to each election. Voter registrations received after the 15-day deadline are accepted for the purpose of registering voters for future elections, with the exception of registrations from new residents of California and new United States citizens. Under California law, new California residents can register to vote up to 7 days prior to an election. New U.S. citizens are eligible to register and vote up to the time polls close on Election Day.

Provisional Voting

Chapter Six covers provisional voting, and encompasses the “fail safe” voting requirements under the NVRA. California provisional voting laws meet the NVRA fail safe voting requirements and the federal Help America Vote Act (HAVA) provisional voting requirements. California law gives any voter whose registration cannot be confirmed at the polling place the right to vote using a provisional ballot.

Recordkeeping and Reporting

Chapter Seven covers state and county recordkeeping and reporting requirements under the NVRA and HAVA. The EAC reports to Congress biennially on the impact of the NVRA. To gather data for the report, the EAC surveys all 50 states every other year following the federal general election. The California Secretary of State's office responds to the EAC survey by gathering and compiling data from each of the 58 county elections offices. Counties report aggregate data on registration and voting information, including:

- Total number of registered voters (active and inactive);
- Total number of voters in the most recent federal election;
- Registrations by type (new, valid, rejected, duplicate, re-registrations);
- Registrations by source (mail, DMV, public assistance agencies, disability service agencies, armed forces recruitment offices, other NVRA designated agencies, and other sources);
- Registration deletions;
- Provisional ballots cast; and
- Registration confirmation notices mailed, and responses received, under the NVRA list maintenance requirements.

National Mail Voter Registration Form

Chapter Eight covers the NVRA requirements to establish the National Mail Voter Registration Form (National Form) and to allow people to register to vote by mail. The NVRA permits states to develop their own voter registration forms but requires states to accept and use the National Form. California, a leader in mail registration and vote-by-mail voting, had already established mail registration and vote-by-mail laws before the NVRA. (See Elections Code section 3000 et seq.)

Enforcement of the NVRA

The NVRA authorizes the U.S. Department of Justice to bring a civil action in federal district court against states that do not comply with the NVRA. The NVRA also allows a person who believes they suffered harm due to a state or local failure to properly implement the NVRA to sue a state or local agency. In most circumstances, private parties must first notify the chief elections official of the state and provide an opportunity for the state to correct the violation before filing a legal action. An individual or group who prevails in court may be awarded reasonable court costs and attorney's fees. Finally, the NVRA establishes criminal penalties for certain intentional acts regarding registration, voting, or violation or denial of any other right under the NVRA.

Implementation of the NVRA in California

When the NVRA took effect in 1995, several states, including California, challenged the constitutionality of the federal mandate. However, the courts found the NVRA constitutional, despite the lack of federal funding provided to states.

The Secretary of State's office embraces the NVRA's requirements and goals of helping more eligible citizens register to vote and cast ballots on Election Day by offering voter registration at state and local agencies, offering vote by mail and provisional voting; and by maintaining accurate voter rolls.

The NVRA did not require the adoption of state law to give it effect, so California did not adopt implementing statutes or regulations under the NVRA. However, California laws permitting voter registration by mail, vote by mail voting, and provisional voting, as well as laws setting voter list maintenance standards meet or exceed NVRA requirements.

Since the NVRA took effect, the Secretary of State has functioned as the state coordinator for implementing the NVRA. As a constitutional officer, elected separately and independently from the Governor, the Secretary of State has no direct authority over state agencies designated under the NVRA. Nor, as a statewide elected official, does the Secretary have direct authority over NVRA-designated local government agencies. However, cooperation from state and local agencies designated under the NVRA has helped ensure statewide compliance in California. This manual is designed to help state and local agencies designated as voter registration agencies under the NVRA understand and carry out their NVRA duties.